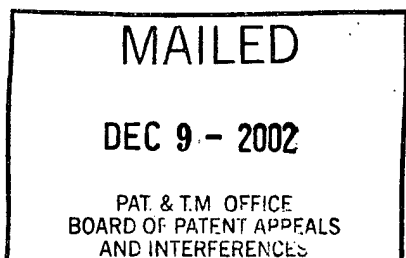




UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Mark Nagumo
Telephone: (703) 308-9797
Facsimile: (703) 305-0942



Patentee: HOXIE

Application No.: 08/882,435, now Patent No.
5,994,515, granted 11/30/99

Filed: 06/25/97

For: ANTIBODIES DIRECTED AGAINST CELLULAR
CORECEPTORS FOR HUMAN IMMUNODEFI-
CIENCY VIRUS AND METHODS OF USING THE
SAME

Accorded benefit: 60/020,396, filed 06/25/96;
60/020,647, filed 06/27/96

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,059.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).


MARK NAGUMO
Administrative Patent Judge

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 1

Filed by: Mark Nagumo
Administrative Patent Judge
Box Interference
Washington, D.C. 20231
Tel: 703-308-9797
Fax: 703-305-0942

Filed
9 December 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

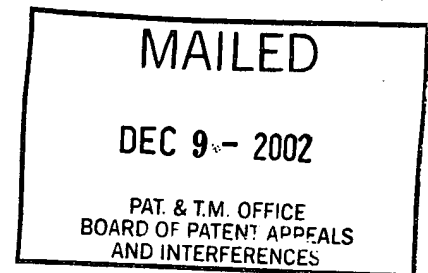
JAMES A. HOXIE,

Junior Party
(Patent No. 5,994,515),

v.

YI LI
and STEVEN M. RUBEN,

Senior Party
(Application No. 09/339,912).



Patent Interference 105,059 (NAGUMO)

NOTICE DECLARING INTERFERENCE
(37 CFR § 1.611)

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties.

Details of the application and patents, count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this NOTICE DECLARING INTERFERENCE.

Part B. Judge designated to handle the interference

Administrative Patent Judge Mark Nagumo has been designated to handle the interference. 37 CFR § 1.610(a).

Part C. Standing order

A Trial Section STANDING ORDER accompanies this NOTICE DECLARING INTERFERENCE. The STANDING ORDER applies to this interference.

Part D. Conference call to set dates

A telephone conference call to set dates for taking action in the interference is scheduled for **10:00 a.m. on February 11, 2003** (the call will be initiated from the PTO).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile a list of the preliminary motions the party intends to file. See § 17 of the STANDING ORDER.

A copy of a "sample" order setting times for taking action during the preliminary motion phase of the interference accompanies this NOTICE DECLARING INTERFERENCE.

Counsel are encouraged to discuss the order prior to the conference call with the view to coming to some mutual agreement as to dates for taking action. A typical preliminary motion period lasts approximately nine (9) months. Counsel should be prepared to justify any request for a shorter or longer period.

Part E. The parties involved in this interference are:

Junior Party

Named inventors: James A. Hoxie, USA

Patent: 5,994,515 (issued November 30, 1999)
(filed June 25, 1997)¹

Title: Antibodies directed against cellular
coreceptors for human immunodeficiency
virus and methods of using the same

Assignee: Trustees of the University of
Pennsylvania

Accorded Benefit: None

Attorneys: See last page

Address: See last page

¹ This application claims benefit under 35 U.S.C. § 119(e) of:
(1) provisional application 60/020,396, filed June 25, 1996; and
(2) provisional application 60/020,647, filed June 27, 1996.

Senior Party

Named Inventors: Yi Li, USA
Steven M. Ruben, USA

Application: 09/339,912¹
filed June 25, 1999

Title: Antibodies to human G-protein chemokine
receptor HDGMR10 (CCR5 Receptor)

Assignee: None

Accorded Benefit: 08/466,343 (U.S. Patent No. 6,025,154)
filed June 6, 1995

Attorneys: See last page

Address: See last page

¹ This application is a division of 08/466,343, which is now U.S. Patent No. 6,025,154.

Part F. Count and claims of the partiesCount 1

An antibody which binds to a cellular chemokine receptor protein essential for immunodeficiency virus entry into a cell, wherein said chemokine receptor protein is a cellular cofactor for a cellular protein which is a HIV receptor protein and wherein said chemokine receptor protein is CCR5,

or

an antibody according to claim 95 of Li's application 09/339,912.

The claims of the parties are:

Hoxie 1-9

Li 95, 96, 98-107, 109-118, 120-129,
131-138, 151-194

The claims of the parties that correspond to Count 1 are:

Hoxie 1-5, 7, 8

Li 95, 96, 98-107, 109-118, 120-129,
131-138, 151-194

The claims of the parties that do not correspond to Count 1, and therefore are not involved in the interference, are:

Hoxie 6, 8

Li none

Part G. Heading to be used on papers

The following heading shall be used on papers filed in the interference. See § 18 of the STANDING ORDER.

Paper _____²

Filed on behalf of [name of party]
By: Name of lead counsel, Esq.
Name of backup counsel, Esq.
Street address
City, State, and Zip-Code
Tel:
Fax:

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

JAMES A. **HOXIE**,

Junior Party
(Patent No. 5,994,515),

v.

YI **LI**
and STEVEN M. RUBEN,

Senior Party
(Application No. 09/339,912).

Patent Interference 105,059 (NAGUMO)

TITLE OF PAPER

² Leave a blank line because the board assigns the paper number.

Part H. Summary of dates for taking action

Times for taking action are set out in the following sections of the STANDING ORDER:

1. **§ 7:** date for identifying lead and backup counsel.
2. **§ 8:** date for identifying any real party in interest.
3. **§ 9:** date for requesting copies of involved and benefit applications and patents.
4. **§ 17:** date for filing list of proposed preliminary motions.
5. **§ 19:** date for accomplishing certain discovery.
6. **§ 20:** date for filing clean copy of claims.
7. **§ 21:** date for filing clean copy of claims in cases with drawings and/or claims containing a means plus function limitation.
8. **§ 23:** dates for filing oppositions to Rule 635 miscellaneous motions and dates for filing replies to oppositions.
9. **§ 33:** date for objecting to admissibility of evidence.
10. **§ 34:** date for serving supplemental affidavits or evidence to respond to objection to admissibility of evidence.
11. **§ 35:** dates when cross-examination can take place.
12. **§ 45:** dates for taking action with respect to settlement discussions

Part I. Order form for requesting file copies

FILE COPY REQUEST

Interference 105,059 (Nagumo)

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. _____
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Telephone, including area code: _____

Part J. Signature of administrative patent judge


Mark Nagumo
Administrative Patent Judge

Enc:

Copy of STANDING ORDER

Copy of order used for setting times for taking action in
the preliminary motion phase of the interference (ORDERPM6)

Copy of order used for setting times for taking action in
the testimony and briefing phases of the interference
(ORDERTE6)

PTO Form 850

Copy U.S. Patent 5,994,515

Copy of claims of 09/339,912

DECLARE mn 007.wpm
Revised September, 2000.
(replaces DECLARE.006.1)

cc (via Federal Express):

Attorney for Hoxie

(Real party in interest, Trustees of the University of Pennsylvania)

Kathryn Doyle Leary, Esq.
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Philadelphia, Pa 19103-7086

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Fax: currently unknown
E-mail: currently unknown

Attorney for Li

(Real party in interest, Human Genome Sciences, Inc.)

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